



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

SCIENTIFIC COMPUTING ASSOCIATES, INC, and  
REVOLUTION COMPUTING, INC.,

Plaintiffs,  
-vs-

MOTION TO  
DISMISS  
NON-EXISTENT  
PARTY

GREGORY R. WARNEs, RANDOM  
TECHNOLOGIES, LLC, and THE UNIVERSITY OF  
ROCHESTER MEDICAL CENTER,

07-CV-6351T(P)

Defendants.

Appearing solely to request dismissal of non-existent party "Random Technologies, LLC.", I submit to the court that "Random Technologies, LLC." does not exist as a legal entity (see the attached affidavit) and cannot, therefore, be a named party to this lawsuit. Therefore, in lieu of an Answer to Plaintiff's Amended Complaint on behalf of Random Technologies, LLC., defendant Gregory R. Warnes, respectfully moves the Court for an order dismissing non-existent party "Random Technologies, LLC."

To the extent that the Court believes that the company "Random Technologies, LLC." does exist, I request the opportunity to file an appropriate Answer on its behalf at a later time.

Dated: October 19, 2009

By:   
Gregory R. Warnes, Ph.D. Pro Se  
20 Wandering Trl.  
Pittsford NY, 14534  
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**AFFIDAVIT**

STATE OF NEW YORK )  
COUNTY OF MONROE )  
                          ) SS:

Gregory R. Warnes, being duly sworn says:

It has come to my attention that the process of organizing and registering “Random Technologies, LLC.” with the Department of Commerce of the State of New York, initiated in February 2007, was never completed. I have contacted the Department of Commerce and have confirmed that “Random Technologies, LLC.” is not now, and never has been, a registered company in the State of New York. Consequently, “Random Technologies, LLC.” does not exist as a legal entity.

  
Gregory R. Warnes, Ph.D.

~~Sworn to before me this~~ 19 day of October, 2009

~~Notary Public~~

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

**SCIENTIFIC COMPUTING ASSOCIATES, INC, and  
REVOLUTION COMPUTING, INC.,**

**Plaintiffs,**

**-vs-**

**GREGORY R. WARNES, RANDOM  
TECHNOLOGIES, LLC, and THE UNIVERSITY OF  
ROCHESTER MEDICAL CENTER,**

**Defendants.**

**CERTIFICATE  
OF SERVICE**

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**GREGORY R. WARNES,**

**Counterclaim Plaintiff,**

**07-CV-6351T(P)**

**-vs-**

**SCIENTIFIC COMPUTING ASSOCIATES, INC.,  
REVOLUTION COMPUTING, INC., and MARTIN  
SCHULTZ, RICHARD SCHULTZ, BEVERLY  
THALBURG SCHULTZ, KIRK METTLER, and STEVE  
WESTON**

**Counterclaim Defendants**

I HEREBY CERTIFY that I have caused to be served a copy of the foregoing 1) Answer,  
*Motion to Dismiss Non-Existent Party*  
Affirmative Defenses, and Counterclaims, 2) ~~Corporate Disclosure Statement~~, and 3) Initial  
Disclosures of defendants/counterclaim plaintiffs GREGORY R. WARNES via U.S. Postal  
Service certified mail, prepaid, upon the following parties on October 19, 2009:

1. Attorneys for plaintiffs/counterclaim defendants SCIENTIFIC COMPUTING ASSOCIATES, INC. and REVOLUTION COMPUTING, INC.:

Donald A. W. Smith, P.C.,  
Donald A. W. Smith, Esq.  
125 Sully's Trail, Suite 7  
Pittsford, NY 14534

and

Wiggin and Dana LLP.  
Bethany L. Appleby, Esq.  
P.O. Box 1832  
New Haven, CT 06508-1832

2. Counterclaim Defendant RICHARD SCHULTZ:

Richard Shultz  
Chief Executive Officer  
REvolution Computing, Inc.  
One Century Tower  
265 Church Street  
New Haven, CT 06350

3. Counterclaim Defendant MARTIN SCHULTZ:

Martin Schultz  
Chief Science Officer  
REvolution Computing, Inc.  
One Century Tower  
265 Church Street  
New Haven, CT 06350

4. Counterclaim Defendant BEVERLY THALBURG SCHULTZ:

Beverly Thalburg Schultz  
PO Box 3529  
Woodbridge, CT 06525-0102

5. Counterclaim Defendant KIRK METTLER:

Kirk Mettler  
Chief Financial Officer  
REvolution Computing, Inc.  
One Century Tower  
265 Church Street  
New Haven, CT 06350

6. Counterclaim Defendant STEVE WESTON:

Steve Weston  
Director of Engineering  
REvolution Computing, Inc.  
One Century Tower  
265 Church Street  
New Haven, CT 06350

7. Attorneys for defendant THE UNIVERSITY OF ROCHESTER MEDICAL CENTER:

Ward Norris Heller & Reidy LLP  
Daniel P. Purcell, Esq.  
University of Rochester Medical Center  
300 State Street  
Rochester, New York 14614

Dated: October 19, 2009

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